

LAW AND ORDER CODE

Title 13 - Enrollment Procedures

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- 13-10 DEFINITIONS OF TERMS AS USED IN THIS ORDINANCE
- 13-10-010 Applicant - The person seeking to be enrolled.
- 13-10-020 Sponsor - The applicant's spouse, parent (s), legal guardian, next of kin, or other person authorized to file enrollment documents on behalf of the applicant.
- 13-10-030 Appellant - The person who is appealing the Walker River Paiute Tribal Council's decision to reject said person's application for enrollment.
- 13-10-040 Member - A member of the Walker River Paiute Tribe.
- 13-10-050 Tribe - The Walker River Paiute Tribe.
- 13-10-060 Secretary - The Secretary of the Interior
- 13-10-070 Commissioner - The Commissioner of Indian Affairs.
- 13-10-080 Census Roll - The January 1, 1935 Census Roll of the Walker River Paiute Tribe.
- 13-10-090 Superintendent - The Superintendent of the Western Nevada Agency.
- 13-10-100 Allotment Roll - The allottees of the Walker River Paiute Tribe who received allotments on the Walker River Reservation from 1906 through 1926.
- 13-10-110 Enrollment Committee - A committee established by the Walker River Paiute Tribal Council with the authority to recommend to the Council whether enrollment applications or adoption petitions

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- 13-10-120 Court - The Tribal Court or Court of Indian Offenses having the jurisdiction over the Walker River Paiute Tribe.
- 13-10-130 Relinquishment - The voluntary withdrawal from membership in the Walker River Paiute Tribe.
- 13-10-140 Disenrollment - An affirmative action by the Tribe to deprive a member of the rights to tribal membership.
- 13-10-150 Adoption - Granting tribal membership to a person who does not meet the automatic eligibility requirements for enrollment.
- 13-10-160 Adopted Child - One whose natural parent's parental rights have been terminated by a court order and given to another.
- 13-20 APPLICATION FOR ENROLLMENT
- 13-20-010 Written Application for Enrollment Must Be Filed With the Enrollment Committee for Appropriate Action -
A separate written application for enrollment on application form approved by the Walker River Paiute Tribal Council must be filed with the Enrollment Committee by or on behalf of each person applying for enrollment as a member of the Walker River Paiute Tribe.
- 13-20-020 Written Application Sponsoring an Application for Enrollment On Behalf of Another Person -
If the person sought to be enrolled is a minor or other person in need of assistance: a member of the Armed Services, or other services of the United States Government or a member of their

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immediate family who are stationed outside of the continental United States, an application for enrollment may be completed and filed by the sponsor of said person.

13-20-030 Enrollment Applications to Be Numbered in Sequential Order and Date.

The Enrollment Committee shall assign an identifying number and shall record the date of each enrollment application received.

13-30 ENROLLMENT STANDARDS

13-30-010 Persons Considered For Enrollment - In accordance with the Constitution and By-Laws of the Walker River Paiute Tribe, Article II - Membership, persons in the following section shall be considered for enrollment provided that they file a written application at the time and place announced by the Walker River Paiute Tribal Council.

(a) All persons of Indian Blood who received allotments on the Walker River Indian Reservation from 1906 through 1926.

All persons of Indian blood whose names appear on the January 1, 1935 Official Census Roll of the Walker River Paiute Tribe;

Provided, that corrections may be made at any time to said roll by the Tribal Council, subject to the approval of the

Secretary of the Interior;

(b) All persons, one of whose natural parents is a member or is eligible to be a member of the Walker River Paiute Tribe;

(c) Any person of one-half ($\frac{1}{2}$) or more Indian blood. married

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AMENDMENTS

13-30-020 Persons Not Considered for Enrollment

- (c) No person shall be eligible for Membership in the Walker River Paiute Tribe if such person has relinquished membership in the Walker River Paiute Tribe, unless such person was a minor at the time of relinquishment, in which case, at the age of 18, such person may then be eligible to apply for membership.

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to a member of the Walker River Paiute Tribe, may be adopted as a member of the Walker River Paiute Tribe upon approval of his membership application by a majority vote in a Walker River Tribal election in which, at least thirty percent (30%) of those eligible to vote cast a ballot;

- (d) Any person of one-half ($\frac{1}{2}$) or more Indian blood legally adopted by a member of the Walker River Paiute Tribe may be adopted as a member of the Walker River Paiute Tribe upon approval of his membership application by a majority vote in a Walker River Tribal Election in which at least thirty percent (30%) of those eligible to vote cast a ballot;

13-30-020

Persons Not Considered for Enrollment - In accordance with the Constitution and Bylaws of the Walker River Paiute Tribe, Article II-Membership, persons in the following sections shall not be considered for membership in the Walker River Paiute Tribe:

- (a) Persons who are enrolled members of any other Federally recognized Indian tribe shall not be eligible for membership in the Walker River Paiute Tribe;
- (b) No person shall be eligible for membership in the Walker River Paiute Tribe if such person has been allotted land, or possesses an assignment of land, on any other Indian Reservation or Colony, except that purchased allotments or

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13-40

PROCESSING ENROLLMENT APPLICATIONS

13-40-010

The Enrollment Committee Shall Review All Applications and Make Recommendations to the Walker River Paiute Tribal Council -

The Enrollment Committee shall review all applications for enrollment and shall consider the information provided in such applications together with all other information concerning the applicant's eligibility for membership, and make it's recommendations to the Walker River Paiute Tribal Council as to whether the application should be approved or rejected.

The Enrollment Committee shall review all applications previously submitted and are on file as certified tribal members to insure all required documents are included for tribal membership, and shall consider all information concerning eligibility for membership, and make it's recommendation to the Walker River Paiute Tribal Council as to whether the applications should be approved.

The form for such written recommendation shall be approved by the Walker River Paiute Tribal Council.

Where the Committee requires additional information, it may request such information from the person filing the application and may request such person to appear before the Committee for a personal informal interview.

13-40-020

Notice of Hearing to Be Given When Application Is Being Recommended or Considered for Rejection -

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- (a) Written notice required: whenever the Enrollment Committee recommends rejection or the Walker River Paiute Tribal Council considers that an application for enrollment should be rejected, written notice that a hearing will be held concerning such application, in the manner hereinafter provided, before a final determination of the applicant's eligibility for enrollment is made by the Walker River Paiute Tribal Council.
- (b) Content of the Notice: the written notice required to be given under this section by the Walker River Paiute Tribal Council shall:
- (1) Indicate the tribal membership requirement(s) which the applicant failed to establish or other reasons why the application is being rejected.
 - (2) Fix a time and place for the Walker River Paiute Tribal Council to hold a hearing to make its final determination of the applicants eligibility for enrollment.
 - (3) Indicate that the person or sponsor filing the application may appear before the Walker River Paiute Tribal Council at the time and place fixed for such hearing to show why the application for enrollment should not be rejected and to present additional evidence, if any, concerning the applicant's eligibility for enrollment. The content and

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13-40-030

Manner of Giving Notice - The Notice required under this section shall be served twenty (20) days prior to the time fixed for the Walker River Paiute Tribal Council to hold a hearing to make it's final determination of the applicant's eligibility for enrollment. Service of Notice means:

- (a) Delivery to person or sponsor filing the application or;
- (b) Delivery to the United States Post Office by CERTIFIED MAIL, with postage thereon fully prepaid and return receipt requested, addressed to the person or sponsor filing the application for enrollment at the address provided by such person in the application for enrollment form, or at such different address as the person may subsequently provide to the Enrollment Committee.

13-40-040

Presumption of Notice - Presumption that the written notice was received when:

- (a) It appears that the notice required under this section was deposited in a United States Post Office more than thirty (30) days prior to the time fixed for the Walker River Paiute Tribal Council to hold it's hearing concerning the applicant's eligibility for enrollment;
- (b) Such notice was sent by CERTIFIED MAIL, as provided in subsection C above, it shall be presumed that such notice

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prior to the time fixed for the hearing by the Walker River Paiute Tribal Council.

13-50 DETERMINATION OF ELIGIBILITY

13-50-010 Review By Tribal Council - The Walker River Paiute Tribal Council shall review each application for enrollment, together with the recommendation of the Enrollment Committee and determine whether the applicant is eligible to be enrolled as a member of the tribe. The person or sponsor filing an application has the burden of proof of establishing to the satisfaction of the Walker River Paiute Tribal Council that the applicant meets all the requirements for tribal membership. The Walker River Paiute Tribal Council shall consider all relevant evidence regarding the applicant's eligibility for enrollment, but the relevancy, weight and sufficiency of such evidence shall be determined by the Walker River Paiute Tribal Council.

13-50-020 Notice of Rejection Hearing - Before making a determination that an application for enrollment should be rejected, the Walker River Paiute Tribal Council shall hold a hearing concerning the applicant's eligibility for enrollment, and the person or sponsor filing the application shall be given written notice of the hearing, in accordance with the provisions of section 13-50-030, of this ordinance. The manner of holding such hearing or any other matters pertaining to enrollment procedures shall be determined by the Walker River

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13-50-030

Notice in Writing- The determination as to whether an application for enrollment is approved or rejected by the Walker River Paiute Tribal Council, shall be reduced to writing and signed by the Chairman of the Walker River Paiute Tribe. Such determination shall also set forth findings of fact indicating whether the Enrollment Committee recommended that the application be approved or rejected, the membership requirements which the Walker River Paiute Tribal Council found to be established and those found not to be established. If the application is rejected, the Walker River Paiute Tribal Council shall also make special findings of fact concerning the written notice of hearing which was given to the person or sponsor filing the application and whether or not such person was present at such hearing.

13-50-040

Serving Notice to Applicant - Every person or sponsor filing an application for enrollment shall be served with written notice of acceptance or rejection by the Walker River Paiute Tribal Council, attached with a copy of the determination of the applicant's eligibility or ineligibility.

- (a) Content of notice of rejection- If the Walker River Paiute Tribal Council rejected the application for enrollment, the written notice shall provide that the rejection of the application for enrollment:

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appeal procedures established by this ordinance and,

- (2) The notice shall indicate the time within which an appeal may be commenced and the procedure for commencing such appeal.
- (b) Content of notice of approval - If the Walker River Paiute Tribal Council approved the application for enrollment, the written notice shall state that the application was approved and the tribal resolution number and the date of its enactment whereby the approval of such application was commemorated.
- (c) Manner of giving notice - The notice required to be given under this section shall be given promptly after the Walker River Paiute Tribal Council makes its determination as to whether the application for enrollment is approved or rejected and shall be sent by CERTIFIED MAIL, with postage thereon fully prepaid, with a return receipt requested, address provided by such person or sponsor filing the application or at such different address as may be provided to the Walker River Paiute Tribal Council in writing.

13-60 APPEALS

13-60-010 Right of Appeal - Any such person or sponsor filing an application for enrollment which has been rejected by the Walker River Paiute Tribal Council may appeal such rejection to the Court in the manner

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sponsor must clearly express an intent to appeal such rejection to the Court in a written form, a copy of which must be served on the Walker River Paiute Tribal Council before the close of business on the 30th day after the notice of rejection is received by the person filing the application for enrollment; unless such notice of rejection is delivered to an address outside of the continental United States, in which case there shall be sixty (60) days in which to file such an appeal.

13-60-030

Appellate Review - Upon an appeal being commenced, the Walker River Paiute Tribal Council shall transmit copies of all documents pertaining to the application for enrollment, together with all documentary evidence presented concerning the applicant's eligibility to the Court. The burden of proof of establishing eligibility is on the applicant.

The appeal should include any and all supporting evidence not previously furnished and may include a copy of or reference to any Tribal or Bureau records having a direct bearing on the appellant's eligibility. Appellant may furnish affidavits from person(s) having personal knowledge of the facts at issue. An appellant may request additional time to submit supporting evidence. A period considered reasonable for such submission may be granted by the Court. In the event that the appellant does not wish to make a personal appearance at the

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13-60-040

Hearing By The Court - The Court will consider the record as presented, together with such additional information that may be considered pertinent. It will allow oral presentations to be made. Any such additional information shall be specifically identified in the decision.

13-60-050

Decision of the Court - The determination as to whether an application for enrollment is approved or rejected by the Court shall be in written form and signed by the Judge. Such determination shall also set forth findings of fact, stating whether the Enrollment Committee recommended that the application be approved or rejected, that the Walker River Paiute Tribal Council rejected the application, the membership requirements which the Court found to be established and those found not to be established. The Court shall also make special findings of fact concerning the written notice of the Court hearing which was given to the person or sponsor filing the appeal and whether or not such person or sponsor was present at the Court hearing.

13-60-060

Notice of Court Decision - Every person or sponsor filing an appeal to the Court shall be served with written notice of the Court's decision, accompanied with a Court copy of the decision. The Walker River Paiute Tribal Council shall also be served with copies of the Court's decision.

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13-060-100

FINAL APPEALS

If the Tribal Court rejected the appeal, the written notice to the applicant shall provide that the court's decision to uphold the Walker River Paiute Tribal Council's decision to reject the application for enrollment may be appealed to an Appellate Court established by the Western Nevada Agency, Bureau of Indian Affairs.

A. Appellate Review: The Walker River Tribal Court and applicant shall comply with the provision of 13-06-030 regarding appellate procedures.

B. Hearing by the Court: The Appellate Court shall comply with hearing procedures pursuant to Sec. 13-60-040.

C. Notice of Appellate Court decision: If the Appellate Court rejects the appeal, the written notice shall provide that the court's decision to uphold the Walker River Tribal Council's decision to reject the application for enrollment is final. If the Appellate Court approved the application for enrollment, the written notice shall state that the application was approved.

... provided by such person or sponsor, or at such different address as may have been provided to the Court in writing and a copy of the Court's decision be sent to the Walker River Paiute Tribal Council.

13-70

MISCELLANEOUS

13-70-010

Tribal Membership Roll - The Tribal Membership Roll shall contain the names of all enrolled ...

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For each such member, the roll shall indicate to the maximum extent possible, the person's:

- (a) Tribal Enrollment
- (b) Sex
- (c) Date of Birth
- (d) Degree of Indian blood
- (e) Date of Enrollment
- (f) Name and Base Roll Number of Parents
- (g) Any notations made upon such roll shall indicate by whom such notations were made, the date and the authority for making such notations.

13-70-020

Upkeep of Roll - The Walker River Paiute Tribal Council shall cause the tribal membership roll to be kept current and shall annually review the roll for such purposes. The names of all persons who are deceased and all persons who have relinquished their membership in the Walker River Paiute Tribe in writing shall be noted in the roll. The names of all persons whose applications for enrollment have been approved by the Walker River Paiute Tribal Council or the Court shall be promptly added to the membership roll.

13-70-030

Notice of Decisions to Superintendent - The Walker River Paiute Tribal Council shall furnish the Superintendent of the Western Nevada Indian Agency with a list of applicants

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and those that were rejected. A separate statement shall accompany such list stating the reason (s) for the rejection of each rejected application.

13-70-040 Repeal of Prior Ordinances and Resolutions - Any membership ordinance or resolution now in effect herewith shall be repealed to the extent of absolving said membership ordinances and resolutions.

13-70-050 Automatic Membership - All persons of Indian blood whose names are listed in accordance with Article II--Membership, Section A, of the Constitution and ByLaws of the Walker River Paiute Tribe, are presently enrolled as members of the Walker River Paiute Tribe.

BUREAU OF INDIAN AFFAIRS
JUN 20 3 46 AM '91

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13-80

DISENROLLMENT PROCEDURES

13-80-010

Persons who Shall Be Considered For Disenrollment

Any member of the Walker River Paiute Tribe who:

- (a) is an enrolled member of any other federally recognized tribe, and /or
- (b) has been allotted land, or possesses an assignment of land on any other Indian Reservation or Colony, except if the land was purchased or acquired by inheritance, and-or
- (c) has been found not to be within the requirements for eligibility for membership in the Walker River Paiute Tribe, shall be considered for disenrollment from the Walker River Paiute Tribe. When the Tribal Council becomes informed that a person may be considered for disenrollment, the Tribal Council shall give notice to the member that procedures will be taken to disenroll such member.

13-80-020

Notice of Hearing

When a member is being considered for disenrollment by the Walker River Paiute Tribal Council...

served on the member.

- (a) Written notice of a hearing is required whenever the Tribal council considers the disenrollment of an enrolled member of the Walker River Paiute Tribe, in the manner provided hereinafter, before final determination is made by the Walker River Paiute Tribal Council on the disenrollment.

(b) Content of Notice

The written notice required to be given under this section by the Walker River Paiute Tribal Council shall:

- (1) Indicate the reason the enrolled member is being considered for disenrollment.
- (2) fix a time and place for the Walker River Tribal Council to hold a hearing to make it's final determination on the action to disenroll the member.
- (3) indicate that the member or legal guardian may appear before the Tribal Council at the time and place fixed for such hearing to show why the member should not be disenrolled. The member, at their own expense, shall be given the opportunity to provide evidence and offer testimony as to why they should

content of such notice shall be approved
by the Tribal Council.

13-80-030

Manner of Giving Notice

The notice required under this section shall be served thirty (30) days prior to the time fixed for the Walker River Paiute Tribal Council to hold a hearing to make it's final determination on the disenrollment.

Service of notice means:

Delivery to the United States Post Office by Certified Mail-Restricted Delivery with postage thereon fully prepaid and return receipt requested, addressed to the member's last known address.

13-80-040

Presumption of Notice

Presumption that the written notice was received when:

(b) such notice was sent by CERTIFIED MAIL.

It shall be presumed that such notice was received by the addressee more than thirty (30) days prior to the time fixed for the hearing by the Walker River Paiute Tribal council.

13-80-050

Procedures After Disenrollment

After the Walker River Paiute Tribal Council has disenrolled a member of the Walker River Paiute

CERTIFIED MAIL return receipt requested notifying the member of the action.

13-80-060

Appeal After Disenrollment

After the Walker River Paiute Tribal Council has disenrolled a member of the Walker River Paiute Tribe, a written notice shall be provided to the member informing him/her that the decision of the Tribal Council may be appealed by the following:

- (a) File a formal document with the Tribal Court clearly expressing an intent to appeal such disenrollment action, a copy of which must be served on the Walker River Paiute Tribal Council before the close of business on the 30th day after the notice of disenrollment is received by the disenrolled person; unless such notice of disenrollment is delivered to an address outside of the continental United States, in which case there shall be sixty (60) days in which to file such an appeal.

13-80-070

Appellate Review

Upon an appeal being commenced, the Walker River Paiute Tribal Council shall transmit copies of all documents pertaining to the disenrolled person, together with all documentary evidence presented concerning the appellant to the Court.

13-80-080

Decision of the Court

The determination of the Court shall be submitted

to the Walker River Paiute Tribal Council. Such determination shall also set forth the findings of fact.

13-80-090

Notice of Court Decision

Every person or sponsor filing an appeal to the Court shall be served with written notice of the Court's decision, accompanied with a Court copy of the decision.

13-80-100

Final Appeals

If the Tribal Court rejected the appeal, the written notice to the appellant shall provide that the court's decision to uphold the Walker River Paiute Tribal Council's decision of disenrollment may be appealed to an Appellate Court established by the Western Nevada Agency, Bureau of Indian Affairs.

- A. Appellate Review: The Walker River Tribal court and applicant shall comply with the provision regarding the appellate procedures.
- B. Hearing by the Court: The Appellate Court shall comply with hearing procedures.
- C. Notice of Appellate Court decision: The decision of the appellate Court will be submitted to the Walker River Paiute Tribal Council.

13-60-070

CONTENT OF NOTICE OF REJECTION

If the Court rejected the appeal, the written notice shall provide that the court's decision to uphold the Walker River Paiute Tribal Council's decision to reject the application for enrollment may be appealed to the Appellate Court established by the Western Nevada Agency, Bureau of Indian Affairs. The notice shall indicate the time within which an appeal may be commenced and the procedure for commencing the appeal process.

On August 27, 1985, an ordinance No. WR-85-01 was adopted. It amends section 13-60-070, Content of Notice of Rejection, in its entirety and adds 13-60-100, Final Appeals.

13-060-100 FINAL APPEALS

If the Tribal Court rejected the appeal, the written notice to the applicant shall provide that the court's decision to uphold the Walker River Paiute Tribal Council's decision to reject the application for enrollment may be appealed to an Appellate Court established by the Western Nevada Agency, Bureau of Indian Affairs.

A. Appellate Review: The Walker River Tribal Court and applicant shall comply with the provision of 13-06-030 regarding appellate procedures.

B. Hearing by the Court: The Appellate Court shall comply with hearing procedures pursuant to Sec. 13-60-040.

C. Notice of Appellate Court decision: If the Appellate Court rejects the appeal, the written notice shall provide that the court's decision to uphold the Walker River Tribal Court's decision to reject the application for enrollment is final. If the Appellate Court approved the application for enrollment, the written notice shall state that the application was approved.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
PHOENIX AREA OFFICE
P.O. BOX 10
PHOENIX, ARIZONA 85001



IN REPLY
REFER TO:

Tribal Government Services
(602) 379-6786
FTS 261-6786

JUL 05 1991

Through: Superintendent, Western Nevada Agency *WNA*

Ms. Anita Collins

Chairperson, Walker River Paiute Tribal Council

Dear Ms. Collins:

RECEIVED
JUL 15 1991

On June 13, 1991, the Walker River Paiute Tribal Council enacted Ordinance No. WR-03-91, Title 13 - Enrollment Procedures, of the Law and Order Code of the Walker River Paiute Tribe. The ordinance was timely approved by the Acting Superintendent on June 19, 1991.

Subject ordinance represents an amendment to Title 13 of the Law & Order Code, to include Section 13-80 Disenrollment Procedures governing actions taken by the tribal government to remove an individual from the tribal rolls and is a involuntary loss of membership.

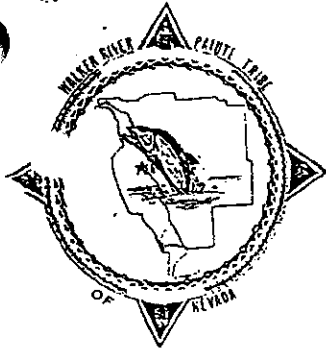
The ordinance was enacted pursuant to Article II, Section 4 of the tribe's Constitution and Bylaws. By the terms of Article II, Section 4, the enactment is subject to review by the Secretary of the Interior.

Our review finds Ordinance No. 167 to be sufficient in the context of federal law, and we find no reason to rescind the Acting Superintendent's approval. Based on that, I hereby concur with the Acting Superintendent's June 19, 1991, approval. Ordinance No. WR-03-91 remains in full force and effect as of June 19, 1991.

Sincerely,

Barry W. Welch
Area Director

Enclosures



Walker River Paiute Tribe

Walker River Indian Reservation
P.O. Box 220 • Schurz, Nevada 89427
Phone: (702) 773-2306

ORDINANCE OF THE GOVERNING BODY
OF THE
WALKER RIVER PAIUTE TRIBE

ORDINANCE NO. WR-03-91

BUREAU OF INDIAN AFFAIRS
JUN 20 8 45 AM '91

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:

An amendment to the ordinance governing ENROLLMENT FOR THE WALKER RIVER PAIUTE TRIBE.

WHEREAS, Article II, Section 4 of the constitution and By-Laws of the Walker River Paiute Tribe giving authority to the Tribal Council to adopt ordinances concerning tribal matters of general and permanent interest to the members of the Tribe, and

WHEREAS, the Walker River Paiute Tribe has adopted regulations and procedures governing enrollment (title 13) of the Law and Order Code of the Walker River Paiute Tribe.

NOW THEREFORE IT BE RESOLVED that the Walker River Paiute Tribal Council does hereby provide the following additions 13-80 DISENROLLMENT PROCEDURES to the current Enrollment Procedures-Title 13 of the Law and Order Code of the Walker River Paiute Tribe.

BE IT FURTHER RESOLVED that these amendments shall become effective upon the date of approval by the Secretary of the Interior.

C E R T I F I C A T I O N

It is hereby certified that the foregoing ORDINANCE of the Walker River Paiute Tribal Council of the Walker River Paiute Tribe, composed of seven (7) members of whom 6 constituting a quorum were present at a meeting held on the 13th day of June, 1991, and that the foregoing ordinance was adopted by the affirmative vote of 6 for and 0 against, pursuant to the Constitution and By-Laws of the Walker River Paiute Tribe of Nevada, approved on March 26, 1937.

Patricia E. Hicks
Patricia E. Hicks, Secretary
Walker River Paiute Tribe